

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	Case No. 15-41161-399
)	Judge Barry S. Schermer
SAMUEL F. SORBELLO,)	Chapter 7
)	
Debtor.)	ORDER ON MOTION TO COMPEL
)	TURNOVER OF PROPERTY OF THE
)	ESTATE

The Trustee's Motion to Compel Turnover of Property of the Estate ("Motion") which was filed in the above-styled and numbered case came on to be considered by this Court. The parties received notice as required by law of the filing of the Motion and hearing thereon. Further, the Court finds as follows:

1. The Court has jurisdiction in regard to this matter pursuant to 28 U.S.C. §§151, 157, and 1334 and Local Rule 81-9.01(B) of the United States District Court for the Eastern District of Missouri.

2. On February 24, 2015, Debtor Samuel F. Sorbello ("Debtor") filed a Voluntary Chapter 7 Petition for Relief in the United States Bankruptcy Court for the Eastern District of Missouri.

3. E. Rebecca Case was appointed as the Chapter 7 Trustee ("Trustee Case").

4. On April 15, 2015, Debtor filed a Motion to Convert Case to Chapter 13 and on April 24, 2015, the Court entered its Order converting the Chapter 7 Case to Chapter 13.

5. On April 30, 2015, the Chapter 13 Trustee filed a Motion to Dismiss Case for Failure to Make Plan Payments and Trustee Case filed her response to the Motion to Dismiss Case requesting that the case be re-converted to Chapter 7.

6. On June 15, 2015, the Court entered its Order reconverting the case to Chapter 7 and reinstating Trustee Case as Chapter 7 Trustee.

7. On February 24, 2015, Debtor filed “Schedule A – Real Property” and listed his interest in real property located at 9742 Highway 21, Hillsboro, Missouri. A copy of Debtor’s Schedule A – Real Property is attached to the Motion as Exhibit “1”.

8. However, at the initial Chapter 7 Meeting of Creditors held on March 20, 2015, Debtor testified that in addition to the real property located at 9742 Highway 21 Hillsboro, Missouri, he has an interest in two additional tracts of real property located in Jefferson County, Missouri (collectively the “Real Property”).

9. On or about June 29, 2015, Debtor filed an amended “Schedule A – Real Property” to disclose his interest in the Real Property:

<u>Description</u>	<u>Current Value</u>	<u>Amount of Secured Claim</u>
9742 Highway 21 Hillsboro, MO 63050	\$85,000.00	\$144,382.00
5102 Hillsboro Hematite Rd., De Soto, MO 63020	\$35,000.00	\$ 0.00
12977 Hencher Rd., Property is jointly owned with sister, Mary Talati	\$ 4,900.00	\$ 0.00

A copy of Debtor’s amended Schedule A – Real Property is attached to the Motion as Exhibit “2”.

10. On February 24, 2015, Debtor filed “Schedule B – Personal Property” and listed his interest in one vehicle, a 1998 Nissan Frontier. A copy of Debtor’s Schedule B – Personal Property is attached to the Motion as Exhibit “3”.

11. On or about June 29, 2015, Debtor filed an amended “Schedule B - Personal Property” and disclosed his interest in five vehicles (collectively the “Vehicles”):

<u>Description</u>	<u>Current Value</u>
1998 Nissan Frontier 4DR 200,000 miles	\$1,500.00

Equitable interest in a 1991 Nissan	\$ 100.00
1991 Toyota Truck, vehicle needs a motor	\$ 100.00
1989 Toyota Truck, vehicle needs a motor	\$ 100.00
1986 Flatbed Trailer	\$ 100.00

A copy of Debtor's amended Schedule B - Personal Property is attached to the Motion as Exhibit "4".

12. At the Meeting of Creditors held on March 20, 2015, Debtor failed to provide Trustee Case with his 2014 Federal and State income tax returns.

13. Trustee Case has instructed Debtor to turn over the following:

- (a) documents regarding the Real Property including:
 - (i) Deeds;
 - (ii) Deeds of Trust;
 - (iii) Tax Assessments;
 - (iv) Appraisals;
 - (v) Payoff statements from mortgage companies, if any; and
 - (vi) Proof of Insurance
 ("Real Property Documents");
- (b) Certificates of Title for the Vehicles ("Certificates of Title"); and
- (c) Debtor's 2014 Federal and State income tax returns ("Tax Returns").

14. To date, the Debtor has not turned over the Real Property Documents, Certificates of Title and Tax Returns to Trustee Case.

15. Pursuant to 11 U.S.C. § 521(a)(3), Debtor has a duty to cooperate with Trustee Case as necessary to enable Trustee Case to perform her duties.

16. Debtor's failure to turn over the documentation requested by Trustee Case prevents Trustee Case from recovering assets for the benefit of Debtor's creditors.

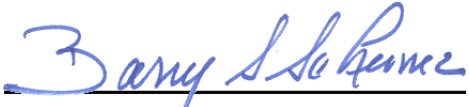
17. Trustee Case has incurred additional attorneys' fees and costs due to Debtor's failure to comply with Trustee Case's requests in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Trustee's Motion to Compel Turnover of Property of the Estate shall be and is hereby **granted** and that Debtor Samuel F. Sorbello shall immediately turn over the following to Trustee Case:

- (a) documents regarding the Debtor's Real Property including:
 - (i) Deeds;
 - (ii) Deeds of Trust;
 - (iii) Tax Assessments;
 - (iv) Appraisals;
 - (v) Payoff statements from mortgage companies, if any; and
 - (vi) Proof of Insurance
- (b) Certificates of Title for Debtor's Vehicles; and
- (c) Debtor's 2014 Federal and State income tax returns;

IT IS FURTHER ORDERED that if the Debtor fails to turn over the Real Property Documents, Certificates of Title and Tax Returns within ten (10) days from the date of this Order, Judgment shall be entered against the Debtor and in favor of Chapter 7 Trustee E. Rebecca Case in the amount of \$450.00 as and for Trustee's attorney's fees and costs associated with Debtor's non-compliance.

DATED: October 29, 2015
St. Louis, Missouri


Barry S. Schermer
United States Bankruptcy Judge

Order prepared by:

Janice R. Valdez
EDMO #42154MO, MoBar #42154
Stone, Leyton & Gershman,
A Professional Corporation
7733 Forsyth Boulevard, Suite 500
St. Louis, Missouri 63105
(314) 721-7011
(314) 721-8660 Facsimile
jrv@stoneleyton.com

With copies to be provided to:

- | | | |
|----|---|--------------------------------|
| 1. | Samuel F. Sorbello
9742 Hwy 21
Hillsboro, Missouri 63050 | Debtor |
| 2. | Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, Missouri 63108 | Attorney for Debtor |
| 3. | Office of the United States Trustee
Thomas F. Eagleton Courthouse
111 S. 10 th Street, Suite 6353
St. Louis, Missouri 63102 | |
| 4. | E. Rebecca Case
Stone, Leyton & Gershman
A Professional Corporation
7733 Forsyth Blvd., Suite 500
St. Louis, Missouri 63105 | Chapter 7 Trustee |
| 5. | Janice R. Valdez
Stone, Leyton & Gershman
A Professional Corporation
7733 Forsyth Blvd., Suite 500
St. Louis, Missouri 63105 | Attorney for Chapter 7 Trustee |